REMARKS

Status Of Application

Claims 1-41 are pending in the application; the status of the claims is as follows:

Claims 1-9 are withdrawn from consideration.

Claims 16-38 are allowed.

Claims 10, 11, 15 and 39-41 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,876,590 to Parulski (hereinafter "Parulski '590") in view of U.S. patent 5,534,919 to Nobuoka (hereinafter "Nobuoka").

Claims 12-14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Parulski '590 in view of Nobuoka and further in view of U.S. Patent No. 5,990,949 to Haruki (hereinafter "Haruki").

Supplemental Information Disclosure Statement

Please note that a Supplemental Information Disclosure Statement, along with a PTO Form 1449, was filed on December 10, 2002. Enclosed are copies of the PTO-stamped postcards showing that the U.S. Patent and Trademark Office has received the Supplemental Information Disclosure Statement and PTO Form 1449. Acknowledgment of receipt of these documents is respectfully requested.

Abstract

Applicant respectfully reminds the Examiner that the Abstract was previously amended in the Amendment dated April 26, 2002. Currently, the Abstract is only 152 words constituting less than 12 lines of text (such that it does not exceed 25 lines of text), and is thus not unduly lengthy such that an inordinate amount of computer tape would be used. Phraseology in accordance with MPEP 608.01(b) was used. As it currently reads, the Abstract is a concise statement of the technical disclosure of the application, and thereby sufficiently discloses and describes the contents of the application such that

readers may decide whether or not there is a need for consulting the full patent text for details. Applicant asserts that eliminating two (2) words would substantially affect the comprehension of the technical disclosure of the Abstract. Therefore, the Abstract complies with the spirit of MPEP 608.01(b), and thus, no amendment was made to the Abstract.

If the Examiner insists upon deleting two words from the Abstract, Applicant agrees to allow Examiner to change "Control means" on line 10 to -- Controller -- by Examiner's amendment. Applicant invites Examiner to suggest which additional word of the Abstract Examiner believes is unnecessary. Applicant is willing to consider any suggestion posed by the Examiner.

Allowable Subject Matter

The allowance of claims 16-38, by the Examiner, is noted with appreciation.

35 U.S.C. § 103(a) Rejections

Claims 10, 11, 15, and 39-41

The rejection of claims 10, 11, 15 and 39-41 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Parulski '590 in view of Nobuoka, is respectfully traversed based on the following.

Claim 10 requires in relevant part:

> an interpolating portion for executing interpolation of pixels constituting an image; and
> a changer for changing an interpolating process by said interpolating portion depending on which one of recording by the recorder and displaying by the display unit is performed.

As acknowledged on page 3 of the Office Action, Parulski "fails to disclose an interpolation portion for executing interpolation or that the changer changes an

interpolation based on whether the image is to be displayed or recorded." Thus, claim 10 is not obvious over Parulski.

Nobuoka teaches an image pickup device which calculates R, G and B color values from received pixel values. Nobuoka discloses a method of estimating a complementary color value based on variations in luminance signals near a pixel for missing pixel data. Nobuoka uses an interpolation routine to determine the missing data. However, the "3 different methods for interpolating pixel data" are actually merely variations to be used in the event that a denominator in the interpolation routine equals zero or is close to zero. *See* Col. 3, lines 1-32. The interpolation process of Nobuoka is not changed based on whether the data is being recorded or displayed. Instead it is based merely on the difference in values between one pixel and another neighboring pixel. Nobuoka teaches calculating pixel values based on the values of neighboring pixels and does not provide any suggestion or motivation that would direct one of ordinary skill in the art to provide a changer for changing an interpolating process depending on which one of recording by the recorder and displaying by the display unit is performed. Thus, claim 10 is not obvious with respect to Nobuoka.

Neither Parulski nor Nobuoka discloses or suggests at least one common element of claim 10. Thus, even if motivation or suggestion to combine these references could be found, no combination of the cited references would provide the apparatus of claim 10 of the present application. Therefore, claim 10 is not obvious with respect to either cited reference, either singly or in combination.

As claims 11 and 15 depend directly from non-obvious independent claim 10, they too are not obvious with respect to the cited references, either singly or in combination.

Claims 39-41

Claim 39 requires in relevant part:

> executing a varied interpolating process depending on whether the captured image is to be displayed or recorded.

As acknowledged on page 3 of the Office Action and discussed above, Parulski fails to disclose changing "an interpolation based on whether the image is to be displayed or recorded". Thus, claim 39 is not obvious with respect to Parulski.

Further, as discussed above, Nobuoka fails to disclose or suggest varying the interpolating process depending on whether the captured image is to be displayed or recorded. Thus, claim 39 is not obvious with respect to Nobuoka.

Neither Parulski nor Nobuoka discloses or suggests at least one common element of claim 39. Thus, even if motivation or suggestion to combine these references could be found, no combination of the cited references would provide the apparatus of claim 39 of the present application. Therefore, claim 39 is not obvious with respect to the cited references, either singly or in combination.

As claims 40 and 41 depend directly from non-obvious independent claim 39, they too are not obvious with respect to the cited references, either singly or in combination.

Accordingly, it is respectfully requested that the rejection of claims 10, 11, 15 and 39-41 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Parulski '590 in view of Nobuoka, be reconsidered and withdrawn.

Claims 12-14

The rejection of claims 12-14 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Parulski '590 in view of Nobuoka and further in view of Haruki, is respectfully traversed based on the following.

Claims 12-14 depend either directly or indirectly from independent claim 10, which, as discussed above, is not obvious with respect to Parulski or Nobuoka, either singly or in combination. Both Parulski and Nobuoka fail to disclose or suggest "a changer for changing an interpolating process by said interpolating portion depending on which one of recording by the recorder and displaying by the display unit is performed".

Among other distinctions, Haruki also fails to disclose or suggest "a changer for changing an interpolating process by said interpolating portion depending on which one of recording by the recorder and displaying by the display unit is performed". Thus, for at least that reason, claim 10 is not obvious with respect to Haruki.

Parulski, Nobuoka, and Haruki each fail to disclose or suggest at least one common element of claim 10. Thus, even if motivation or suggestion to combine these references could be found, no combination of the references would provide the apparatus of claim 10 of the present application. Therefore, claim 10 is not obvious with respect to the references, either singly or in any combination.

As claims 12-14 depend either directly or indirectly from non-obvious independent claim 10, they too are not obvious with respect to the cited references, either singly or in any combination.

Accordingly, it is respectfully requested that the rejection of claims 12-14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Parulski '590 in view of Nobuoka and further in view of Haruki, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Response does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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PAPERS: **Via 1ST Class Mail, with Mail Certification Supplemental Information Disclosure Statement (3 pages); copy of the Japanese Office Action for Japanese Patent Application No. 9-162484; and PTO Form-1449 (1 page), with a copy of each cited reference (8 references)**

INVENTOR(s): Hiroaki KUBO
SERIAL NO.: 09/100,799
CLIENT NO.: 05058
DUE: 01/02/03

FILE: 71301
MAILED: 12/10/2002

TITLE: APPARATUS CAPABLE OF IMAGE CAPTURING

THE STAMP OF THE PATENT AND TRADEMARK OFFICE
HEREON INDICATES RECEIPT OF THE ABOVE-IDENTIFIED DOCUMENT